



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/765,643
		Filing Date	January 26, 2004
		First Named Inventor	BRISKEN, AXEL F.
		Art Unit	Unassigned
		Examiner Name	Unassigned
Total Number of Pages in This Submission		Attorney Docket Number	017148-003630US

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Return Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	PTO/SB/08A and /08B Forms
<input type="checkbox"/> Certified Copy of Priority Document(s)	<div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Remarks</div>	3 Reference Copies
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Townsend and Townsend and Crew LLP James M. Heslin	
Signature		
Date	3/18/04	

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Edward Masinas		
Signature		Date	3-25-04



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

PATENT  
Attorney Docket No.: 017148-003630US

On 3-25-04

TOWNSEND and TOWNSEND and CREW LLP

By: Edward Masinas  
Edward Masinas

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BRISKEN, Axel F. et al.

Application No.: 10/765,643

Filed: January 26, 2004

For: COATED STENT WITH  
ULTRASOUND THERAPY

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

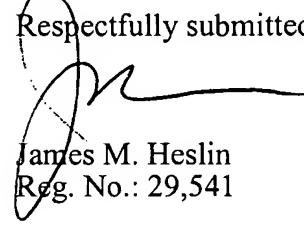
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The references cited on attached form PTO-1449 are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the references, except BN, CI and CK, can be found in Application No. 09/908,487, filed July 17, 2001 (Attorney Docket No. 017148-003610US). Copies of reference numbers BN, CI and CK are enclosed herewith. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,  
  
James M. Heslin  
Reg. No.: 29,541

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 650-326-2422  
BJL

60168821 v1

FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		Attorney Docket No.: 017148-003630US	Application No.: 10/765,643
		Applicant: BRISKEN, Axel F. et al.	
		Filing Date: January 26, 2004	Group: Unassigned
Reference Designation		U.S. PATENT DOCUMENTS	
		Page 1	
Examiner Initial	Document No.	Date	Name
AA	3,976,071	08/1976	Sadek
AB	4,832,686	05/1989	Anderson
AC	4,883,666	11/1989	Sabel et al.
AD	4,897,268	01/1990	Tice et al.
AE	5,059,166	10/1991	Fischell et al.
AF	5,163,421	11/1992	Bernstein et al.
AG	5,163,952	11/1992	Froix
AH	5,199,939	04/1993	Dake et al.
AI	5,213,561	05/1993	Weinstein et al.
AJ	5,269,291	12/1993	Carter
AK	5,286,254	02/1994	Shapland et al.
AL	5,302,168	04/1994	Hess
AM	5,312,430	05/1994	Rosenbluth et al.
AN	5,315,998	05/1994	Tachibana et al.
AO	5,318,014	06/1994	Carter
AP	5,342,348	08/1994	Kaplan
AQ	5,344,395	09/1994	Whalen et al.
AR	5,362,309	11/1994	Carter
AS	5,411,550	05/1995	Herweck et al.
AT	5,419,760	05/1995	Narciso, Jr.
AU	5,463,010	10/1995	Hu et al.
AV	5,464,450	11/1995	Buscemi et al.
AW	5,474,531	12/1995	Carter
AX	5,484,584	01/1996	Wallace et al.
AY	5,500,013	03/1996	Buscemi et al.
AZ	5,514,086	05/1996	Parisi et al.
BA	5,527,337	06/1996	Stack et al.
BB	5,543,158	08/1996	Gref et al.
BC	5,545,208	08/1996	Wolff et al.
BD	5,551,954	09/1996	Buscemi et al.
BE	5,591,227	01/1997	Dinh et al.
BF	5,599,294	02/1997	Edwards et al.
BG	5,599,844	02/1997	Grainger et al.
BH	5,609,629	03/1997	Fearnott et al.
BI	5,616,114	04/1997	Thornton et al.
BJ	5,637,113	06/1997	Tartaglia et al.

FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)			Attorney Docket No.: 017148-003630US	Application No.: 10/765,643			
Applicant: BRISKEN, Axel F. et al.							
Filing Date: January 26, 2004			Group: Unassigned				
<u>      </u> BK	5,649,977	07/1997	Campbell				
<u>      </u> BL	5,656,297	08/1997	Bernstein et al.				
<u>      </u> BM	5,700,286	12/1997	Tartaglia et al.				
<u>      </u> BN	5,713,848	02/1998	Dubrul et al.				
<u>      </u> BO	5,735,811	04/1998	Brisken				
<u>      </u> BP	5,769,883	06/1998	Buscemi et al.				
<u>      </u> BQ	5,836,896	11/1998	Rosenchein				
<u>      </u> BR	5,837,008	11/1998	Berg et al.				
<u>      </u> BS	5,840,031	11/1998	Crowley				
<u>      </u> BT	5,843,172	12/1998	Yan				
<u>      </u> BU	5,846,218	12/1998	Brisken et al.				
<u>      </u> BV	5,851,231	12/1998	Wolff et al.				
<u>      </u> BW	5,876,452	03/1999	Athanasiou et al.				
<u>      </u> BX	5,891,108	04/1999	Leone et al.				
<u>      </u> BY	5,893,840	04/1999	Hull et al.				
<u>      </u> BZ	5,951,586	09/1999	Berg et al.				
<u>      </u> BAA	5,968,092	10/1999	Buscemi et al.				
<u>      </u> CA	5,972,027	10/1999	Johnson				
<u>      </u> CB	5,980,551	11/1999	Summers et al.				
<u>      </u> CC	5,980,566	11/1999	Alt et al.				
<u>      </u> CD	5,997,468	11/1999	Fujii				
<u>      </u> CE	6,063,101	05/2000	Jacobsen et al.				
<u>      </u> CF	6,071,305	06/2000	Brown et al.				
<u>      </u> CG	6,099,561	08/2000	Alt				
<u>      </u> CH	6,210,393	03/2001	Brisken				
<u>      </u> CI	6,273,913	08/2001	Wright et al.				

#### FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Class	Sub-class	Translation (Yes/No)
<u>      </u> CJ	WO 98/48711	11/05/98	PCT			
<u>      </u> CK	WO 99/35999	07/22/99	PCT			

#### OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

<u>      </u> CL	Alter et al., "Ultrasound inhibits the adhesion and migration of smooth muscle cells in vitro" Ultrasound in Medicine (1998) 24 (5):711-721.
<u>      </u> CM	Asahara et al. "Accelerated restitution of endothelial integrity and endothelium-dependent function after phVEGF <sub>165</sub> Gene transfer," (1996) Circulation 94:3291-3303.
<u>      </u> CN	Bendeck et al., "Inhibition of matrix metalloproteinase activity inhibits smooth muscle cell migration but not neointimal thickening after arterial injury" (1996) Circ. Res. 78:38-43.

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

60168821 v1